

REMARKS

The Official Action mailed April 24, 2007, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statement filed on December 19, 2006.

However, the Applicant has not received acknowledgment of the Information Disclosure Statement filed on February 2, 2004. The above-referenced Information Disclosure Statement appears in the Image File Wrapper. The Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of this Information Disclosure Statement.

Claims 14-58 were pending in the present application prior to the above amendment. Claim 44-48 have been canceled without prejudice or disclaimer, and claims 14, 19, 24, 29, 34, 39, 49 and 54 have been amended to correct minor informalities. Specifically, "adsorbing" has been changed to "absorbing," which is consistent with the present specification. The Applicant notes with appreciation the indication of the allowability of dependent claims 15, 17, 18, 40, 42, 43, 45, 47, 58, 50, 52 and 53 (pages 4-5, Paper No. 20070416).

In the *Amendment and Response to Election Requirement* filed January 26, 2007, the Applicant inadvertently omitted claims 54-58 from the list of elected claims. The Applicant respectfully submits that claims 54-58 read on the elected Species I, drawn to a luminescent device having an organic compound layer containing an alkaline metal. In any event, the Official Action has examined independent claim 54 at page 3 of the Official Action. Therefore, the Applicant respectfully requests that the Office Action Summary be corrected to remove claims 54-58 from the list of withdrawn claims (Box 4a) and include claims 54-58 in the list of elected claims (Box 6 or 7).

Accordingly, claims 14-18 and 39-58 are currently elected, of which claims 14, 39, 49 and 54 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 14, 39, 44, 49 and 54 as anticipated by U.S. Patent Application Publication No. 2007/0063646 to Yamazaki. The Applicant respectfully traverses the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 14, 39, 49 and 54 recite an insulating film capable of absorbing an alkaline metal. The present specification makes a distinction between blocking an alkaline metal and absorbing an alkaline metal. Specifically, an insulating layer of the present claims is capable of not only preventing the diffusion of alkaline metal but also absorbing the alkaline metal (page 7, lines 20-23).

The Official Action asserts that Yamazaki discloses "wherein the insulating layer 41 is capable of absorbing the alkaline metal" (page 3, Paper No. 20070416; citing paragraphs [0068] to [0074] of Yamazaki). The Applicant respectfully disagrees and traverses the assertions in the Official Action. Yamazaki may teach that a passivation film 41 prevents an alkaline metal from penetrating into a thin film transistor. However, Yamazaki does not teach an insulating film capable of absorbing an alkaline metal, either explicitly or inherently.

Since Yamazaki does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 16, 41, 46 and 51 as obvious based on the combination of Yamazaki and JP 2000-169766 to Yoshida. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Yamazaki. Yoshida does not cure the deficiencies in Yamazaki. The Official Action relies on Yoshida to allegedly teach the features of dependent claims 16, 41, 46 and 51. However, the Official Action has not demonstrated why one of ordinary skill in the art at the time of the present invention would have changed the passivation film 41 of Yamazaki from one that prevents an alkaline metal from penetrating into a thin film transistor to one that is capable of absorbing an alkaline metal based on Yoshida's teaching of a transparent ion getter film having ion-adsorbing inorganic fine particles.

Also, Yoshida appears to teach “adsorbing” and not “absorbing.” Since Yamazaki and Yoshida do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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